

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ELITE AMBULANCE, INC.**

**and**

**Cases 31-CA-122353  
31-CA-122364  
31-CA-128944  
31-CA-131430**

**INTERNATIONAL ASSOCIATION OF  
EMTS AND PARAMEDICS (IAEP)/NAGE/  
SEIU LOCAL 5000**

**ORDER**

The Petition to Revoke subpoenas duces tecum B-1-WA3727 and B-1-WA2OAD, addressed to Bank of America, N.A., Legal Order Processing, is denied. The Petitioner, Elite Ambulance Inc., does not have standing to file a petition to revoke subpoenas that are addressed to a third party unless it asserts that the requested information is protected by a privilege or a right of privacy.<sup>1</sup>

In addition, even assuming that the Petitioner had such standing, we find that the subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoenas. See generally,

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<sup>1</sup> "Ordinarily a party has no standing to seek to quash a subpoena issued to someone who is not a party to the action unless the party claims some personal right or privilege with regard to the documents sought." *In re Grand Jury Subpoena John Doe, No. 05GJ1318*, 584 F.3d 175, 184 fn. 14 (4th Cir. 2009), citing 9A Wright, Miller & Cooper, *Federal Practice and Procedure* § 2459 (3d ed. 1998). The Petitioner has failed to substantiate its assertion that it has any personal right or privilege with respect to the bank records sought, which are the personal bank records of individuals who are not parties to this proceeding and not the corporate records of Elite Ambulance, Inc.

*NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., July 25, 2017

PHILIP A. MISCIMARRA, CHAIRMAN

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER